



STAFF REPORT ACTION REQUIRED

1844, 1846, 1848, 1850, 1852 and 1854 Bloor Street West; 6, 8, 10, 12 and 14 Oakmount Road; 35 and 37 Pacific Avenue - Demolition Control Applications

Date:	March 13, 2007
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward No. 13 – Parkdale – High Park
Reference Number:	File Nos: 06 114114 to 06 114121 DEM 06 114123; 06114125; 06 114127; 06 114128; 06 114129 DEM 06 114130 DEM and 06 114131 DEM; 2007EY005 07 114303 WET 13 TM

SUMMARY

On March 2, 2006, Toronto Building received demolition control permit applications to demolish thirteen houses at 1844, 1846, 1848, 1852 and 1854 Bloor Street West; 6, 8, 10, 12 and 14 Oakmount Road; 35 and 37 Pacific Avenue. No building permit application to replace the buildings to be demolished has been received by Toronto Building.

In accordance with By-law No.1009-2006 (former City of Toronto Municipal Code, Chapter 14, Article 1, Demolition Control), the demolition permit applications are submitted to Community Council for consideration and recommendation to City Council. Council may refuse the demolition permit applications, or grant permission to demolish the buildings and include conditions attached to the permits.

City Planning Division staff have identified concerns related to the replacement of rental units within the buildings to be demolished in accordance with the Official Plan. Urban Forestry staff have advised that there are numerous significant trees located on or in close proximity to this site that qualify for protection under either the City's Street Tree or Private Tree by-laws. Staff recommend refusal of the applications as no redevelopment plan including a rental housing replacement strategy has been filed with the City. In the event that Council decides to approve the demolition, staff should be directed to report further on appropriate conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications to demolish the residential buildings; and
2. In the event of an appeal, the City Solicitor and appropriate City staff be authorized to attend the Ontario Municipal Board in support of this recommendation.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

COMMENTS

On March 2, 2006, Toronto Building received demolition permit applications to demolish thirteen (13) residential dwelling at 1844, 1846, 1848, 1850, 1852 and 1854 Bloor Street West, 6, 8, 10, 12, and 14 Oakmount Road and 35 and 37 Pacific Avenue. The properties are zoned R4 Z2.0 which would permit a variety of residential buildings, including apartment houses, to a density of 2 times lot area. There is a 23 metre height limit. Although there is no building permit application at this time, it is likely that the proposed demolition is to facilitate the redevelopment of the land into a higher-density residential project.

The buildings are not listed on the City's Inventory of Heritage Properties and all of the buildings except 1844 Bloor Street West are currently vacant.

A request for comments on the applications was forwarded to the area Councillor, Technical Services, and Economic Development and Urban Forestry.

Toronto Building Comments

These applications are being referred to the Etobicoke York Community Council for consideration because Toronto Building has not received an application to replace the 13 residential buildings. In such cases, By-law No. 1009-2006, and the Municipal Code requires City Council to issue or refuse the demolition permit.

In accordance with By-law No. 1009-2006 I.D. (4), City Council may impose any reasonable conditions which have regard to the nature of the residential property including the preservation of significant natural features. Council may require the erection and maintenance of structures and enclosures. In addition, under the City of Toronto Act 1985, City Council may revoke the demolition permit if the demolition has not been seriously commenced six months after the permit issuance, or the demolition has been substantially suspended or discontinued for a period of more than 1 year.

Since it is apparently the applicant's intention to demolish the 13 residential buildings and leave the site vacant, it is staff's opinion that reasonable conditions would include the removal of debris, maintenance of the site in accordance with the City's Property Standards By-law, and the erection of fencing if deemed necessary. Staff should be directed to report on specific conditions in the event that Council chooses to approve the demolition.

City Planning Comments

The application proposes the demolition of 13 houses containing about 25 rental units. Specific information on the nature of these units is being sought (e.g. rent levels, occupancy characteristics, period occupied etc.). Twelve of the homes are vacant and have been boarded up for more than a year. A lack of investment and on-going maintenance in the buildings has resulted in a state of significant disrepair. In this case, demolition is effectively a means to reduce on-going maintenance costs until a development proposal is considered.

Under normal circumstances, a demolition permit would be considered in conjunction with an application for redevelopment. The application would follow a planning process that would allow Council and the community to ensure that any new use for the site meets planning policy objectives and fits within the context of the neighbourhood.

Section 3.2.1 of the City's Official Plan refers to the need to preserve existing rental housing. It states that "As long as there is no new supply to meet the demand for rental housing, our existing stock of affordable rental housing is an asset that must be preserved. In this sense, rental housing is not unlike our heritage buildings – we need to do all we can to prevent losses".

In addition to this general principle, there are specific policies that speak to the removal of rental housing units from the market, including Policy 3.2.1.6:

"New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;

- ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents , and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
 - i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;
 - ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0% for the preceding four consecutive annual surveys;
 - iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
 - iv) all provisions of other applicable legislation and policies have been satisfied.”

The preservation of existing housing stock and private rental housing stock in Toronto is a fundamental housing policy objective of the City's Official Plan. The proposed demolition would have the effect of removing 13 related buildings that contain about 25 rental units. The proposed demolitions do not meet the policies of the Official Plan.

Although no development application has been made, it is likely that the site will be redeveloped for a higher density form than the existing houses. A redevelopment project would provide an opportunity to replace the units in a new development. Any redevelopment proposal should be considered in the context of Official Plan policy

including the Neighbourhoods designation, Avenues and Built Form policies, among others. Permitting the demolition to occur without securing replacement units will allow the applicant to avoid the obligations normally imposed by the Plan when rental units are demolished.

If allowed, demolition will result in a large, vacant parcel of land within a stable neighbourhood. Vacant lots within neighbourhoods raise concerns about community safety and property maintenance. The creation of gaps within a neighbourhood while waiting for future development is not in the public interest and should be avoided.

Further, there are other low-rise residential rental housing buildings along Bloor Street in this area. The demolition on this site threatens the stability of these other rental housing units.

Under Section 33 of the *Planning Act*, Council has the authority to refuse a demolition application where there is no building permit issued. The *City of Toronto Act*, for the former City of Toronto provides the authority to impose reasonable conditions on demolition permits, having regard to the nature of the properties being demolished. In the event that Council decides to approve the demolition of these buildings, staff should be directed to report further on conditions that could be attached to the demolition permit to secure replacement rental units.

Urban Forestry Comments

Urban Forestry staff has inspected the properties. There are numerous significant trees located on, or near this site that qualify for protection under either the City's Street Tree or Private Tree by-laws.

Prior to any work occurring at this location Urban Forestry will require that the property owner provide a detailed arborist report and tree preservation plan outlining the measures that will be taken to ensure that the trees on site are protected. Protection measures should be in full accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees.

If adequate protection measures cannot be provided in accordance with City policy, it may be necessary for the property owner to obtain authorization from Urban Forestry to injure or remove the tree or trees in question. This may require providing financial guaranties, tree values and/or removal and replacement costs for City owned trees or submitting an 'Application for Permit to Injure or Destroy Privately Owned Trees'.

CONCLUSION

Allowing buildings, particularly buildings containing rental housing units, to fall into disrepair is an unacceptable rationale for permitting demolition to proceed without an approved redevelopment application for replacement buildings. Without an approved redevelopment application, the applications to demolish rental housing stock are premature and the proposal does not meet the intent of the City Official Plan. Creating a

large vacant lot raises concerns about neighbourhood safety and stability. For these reasons, it is recommended that the applications be refused.

In the event that Council elects to approve the applications, staff should be directed to report further on conditions that could be attached to the demolition permit to secure site clean-up and protection, tree protection and rental housing replacement.

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SIGNATURE

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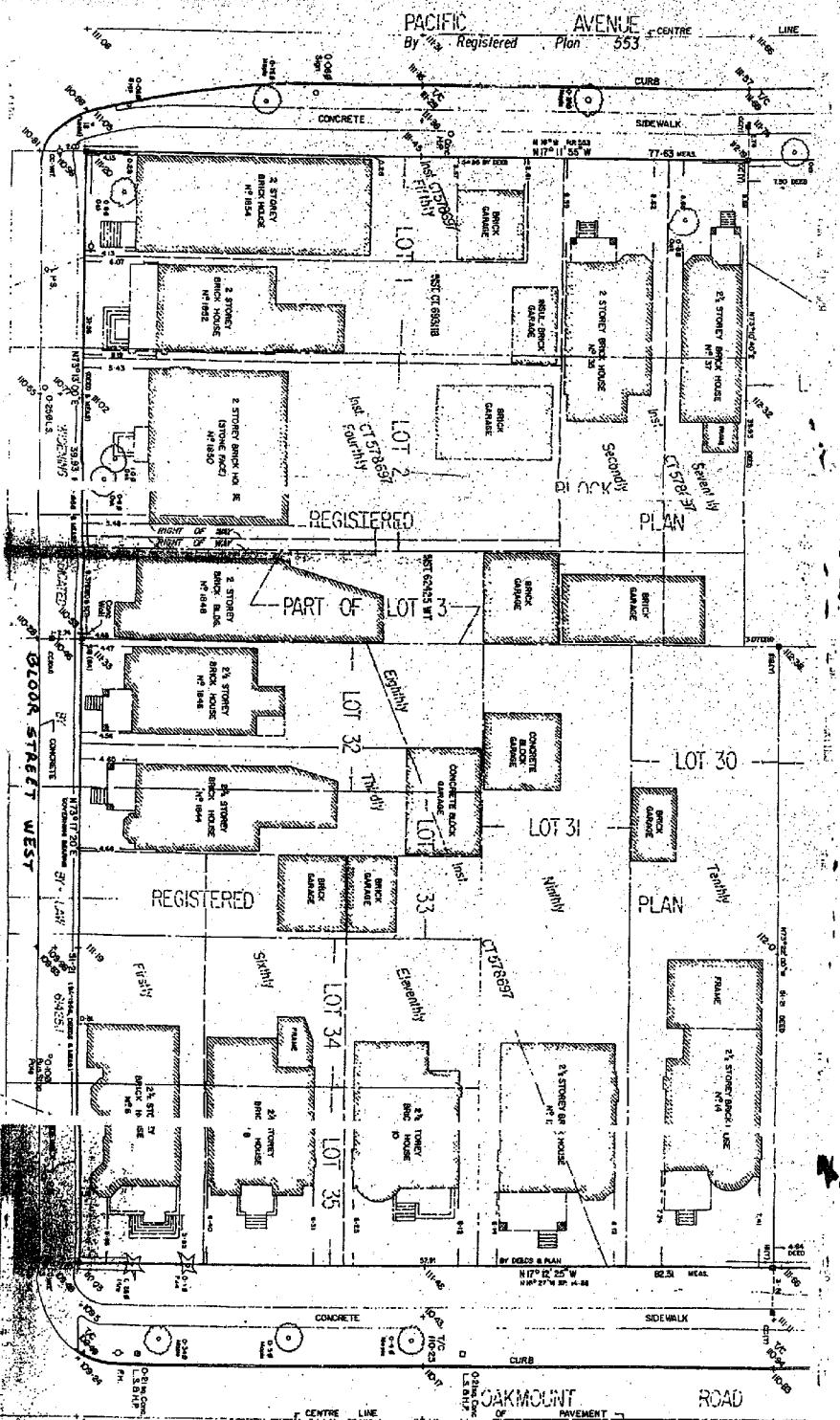
ATTACHMENTS

Attachment 1: Aerial View
Attachment 2: Site Plan

Attachment 1:
Aerial View



 SITE



Staff report for action – Demolition Applications - 1844, 1846, 1848, 1852 and 1854 Bloor Street West; 6, 8, 10, 12 and 14 Oakmount Road; 35 and 37 Pacific Avenue